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June 18, 2004

Mr. Brian Pitt  
NPDES Team Leader  
Office of Ecosystem Protection  
US Environmental Protection Agency  
One Congress Street, Suite 1100  
Boston, Massachusetts 02114-2023

Subject: Comments on Draft NPDES Permit No. MA0101010

Dear Mr. Pitt:

On behalf of the City of Brockton, CDM is providing comments on the draft permit referenced above. The following is a summary of comments provided by the City, Veolia (the contract operator) and CDM.

1. In general, there are many references to a design flow rate of 18.0 mgd, which is the correct flow for the facility upgraded in the 1970's. However, over the coming five year permit duration, this design flow rate will be increased to 20.48 mgd. Language should be added to the permit noting this design flow change.
2. On page 2 and 3 of the permit, both mass loading and concentration limits are provided. This is problematic and the City requests that only concentration limits are included in the permit for the following reasons.

The proposed lb/day discharge limitations for average monthly, average weekly and average daily loads are all based on the average annual plant flow of 18.0 mgd, and applied to permit concentration limits. The permit is written such that mass limits govern during flow periods greater than the annual average. Concentration limits govern during flow periods less than the annual average.

The concentration limits are based on water quality requirements established at 7Q10 stream flow conditions. In New England, these conditions and annual average plant flows are not simultaneous occurring events. When the stream flow





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approaches 7Q10, the plant flow is substantially less than the annual average. The permit as written requires the highest quality effluent (or lowest concentration) during those periods when stream flows are the highest. Such stringency is not required for meeting water quality standards.

The City requests that the final permit include only concentration based limits. If mass limits must be included, then peaking factors should be provided to account for monthly, weekly, and daily variations.

3. On page 3 of 16, the permit refers to a concentration and loading limits for phosphorus and nitrogen but there are no references to the fact that a facility upgrade is underway to meet these limits. Promulgation of this permit, as written, will create a permit violation and initiate a penalty as described in the draft Consent Decree. The permit needs to describe that the phosphorus and nitrogen limits becomes effective at the conclusion of the three phased WWTF Upgrade. A pre-draft version of the new permit contained a paragraph discussing this issue but has since been removed. Attention regarding this issue needs to be addressed before the permit becomes acceptable to the City.
4. On page 3 of 16 of the permit, an average monthly loading limit of 30 lbs/day is provided for phosphorus. This mass loading limit for phosphorus is not consistent with the conditions provided for the phosphorus concentration limit. A rolling average is allowed for concentration reporting but not mass loading reporting. For these reasons, the City request that all loading limits for phosphorus be taken out of the permit.
5. On page 3 of 16 of the permit, the copper limit is unreasonably stringent. If the WWTF effluent passes Whole Effluent Toxicity testing, copper should not be of concern. Moreover, studies conducted by DEP in southeastern Massachusetts have indicated that copper limits established per Gold Book criteria are unreasonably stringent. As noted in the Draft Conceptual Design Report dated October 2003, the current upgrade is not being designed for specific copper removals or effluent quality.
6. On page 3 of 16, the permit includes an increase in fecal monitoring requirements from 3x per week to 5x per week. The City believes that this is excessive and unnecessary and requests that the monitoring frequency remain at 3x per week.





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Disinfection challenges have recently been resolved by the installation of new chemical feed and pacing equipment.

7. On page 4 of 16, paragraph 3, the permit refers to flow limits for Abington and Whitman. In the first sentence, it should be noted that these are annual average limits. In addition, the last sentence in this paragraph must be deleted. The City of Brockton should not be responsible for offsetting flow additions from Abington and Whitman. The current Intermunicipal Agreements allow for up to 1 MGD per community with no requirement to offset flow additions up to that limit.
8. On page 5 of 16 of the permit, footnote 11 requires that toxicity testing samples be collected in the second week of the stated months, instead of requiring the testing be done in a given quarter. This is unnecessary and inconsistent with the existing permit. Also, the new results submittal requirement could be troublesome if the testing lab has a problem and needs to retest. The result submittal requirement should remain the month following the quarter ending period.
9. On page 6 of 16, paragraph 2 of the permit. Clarify and/or define "Director".
10. In paragraph I.A.1.f on page 6 of 16 of the permit, there is a requirement to address WWTF influent flow when it exceeds 80 percent of the design flow over 90 consecutive days. This threshold has been exceeded numerous times and engineering reports required to address the concern have been submitted to DEP and EPA. Since the upgraded facilities will be started under this condition, the facilities assessment and conceptual design reports satisfy this requirement. The City requests that this paragraph be removed from the permit.
11. On page 9 of 16 of the permit, in the first paragraph under "OPERATION AND MAINTENANCE OF THE SEWER SYSTEM", delete the second sentence and insert therefore:

"The permittee and co-permittee shall independently meet the following conditions for those portions of the collection system which it owns and operates."
12. On page 10 of 16 of the permit, the title "Reporting Requirements" should be changed to "Independent Reporting Requirements for Brockton, Whitman and Abington".





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14. On page 13 of 16, paragraph j contains language that is too broad and can leave the City open to violations for circumstances beyond the City's control (for example, if a bald eagle nests in the vicinity of the plant). The first sentence should therefore be modified to insert the words "the City becomes aware that" between the words "if" and "it".
15. On page 3 of the Fact Sheet, in the section titled FLOW, the second paragraph should be revised to state annual average flow limit of 1.0MGD. Also in this section, it is requested that the second sentence in the third paragraph be deleted. Facilities' planning shows that new connections in the existing service area are minimal and should not have a noticeable impact on total flow to the treatment facility. This requirement is unnecessary and would be a burden on limited resources to enforce.
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Very truly yours,

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Gregory A. Roy, P.E.  
Principal  
Camp Dresser & McKee Inc.

cc: Thomas Plouffe, City Solicitor  
J. Condon, Chief Financial Officer  
David Norton, Interim DPW Director  
Eric Hall, EPA  
Jack Hamm, MADEP, Boston  
George Olson, P&D  
Ernie Persechino, Veolia  
Patrick D. Hughes, Al Firmin, Bill McConnell, CDM



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Lieutenant Governor

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Commissioner

## FAX COVER SHEET

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Date: July 1, 2004

From: Jack Hamm

Please Deliver To:	Company Name:	TELECOPY NUMBER
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Gregory A. Roy, P.E.  
Principal

Camp Dresser & McKee Inc.

cc: Thomas Plouffe, City Solicitor  
J. Condon, Chief Financial Officer  
David Norton, Interim DPW Director  
Eric Hall, EPA  
Jack Hamm, MADEP, Boston  
George Olson, P&D  
Ernie Persechino, Veolia  
Patrick D. Hughes, Al Firmin, Bill McConnell, CDM